

FILED

Plaintiff's Name Robert L. Sanford
 Inmate No. V-25176
 Address Growlersburg CC#33
5440 Longview Lane
Georgetown, CA 95634

JUL 13 2023

 CLERK U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY GF
 DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Robert L. Sanford

1:22-cv-01100-ADA-CDB

(Name of Plaintiff)

(Case Number)

VS.

Gavin Newsom, ET AL.B. CatesC. Schuyler

AMENDED CIVIL RIGHTS COMPLAINT UNDER:

 42 U.S.C. 1983 (State Prisoner) Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

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 CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY _____ DEPUTY CLERK

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

A. Have you brought any other lawsuits while a prisoner? Yes X No _____B. If your answer to A is yes, how many? 3

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.) Plaintiff was injured in 2007 after surgery where DR. Levine failed to adhere to complications that resulted in rupture causing severe pain.

1. Parties to this previous lawsuit: Dr. Levine, Physician AssT. Nurse, Sowtell

Plaintiff Robert L. SanfordDefendants Dr. Levine et al.2. Court (if Federal Court, give name of District; if State Court, give name of County)
U.S. Dist Court Southern District Of California3. Docket Number 3:08-cv-01049-H-PCL 4. Assigned Judge M. Huff5. Disposition (Was the case dismissed?Appealed? Is it still pending?) Appealed to 9th Cir
Dismissed

6. Filing Date (approx.) 20077. Disposition Date (approx.) 2010**II. Exhaustion of Administrative Remedies**

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1199 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes X No _____

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes X No _____

C. Is the process completed?

Yes X If your answer is yes, briefly explain what happened at each level.

Plaintiff filed a 602 after being infected with Covid-19 On July 14, 2020
602 Log# CCI-HC 20000676, expressing that CCI failed to comply with
Covid-19 protocols, that placed Plaintiff at an unreasonable risk of
harm and imminent danger, that resulted in Plaintiff being injured from
this deadly disease the next week, the next month and next year.
CCI- denied Plaintiff at every level in his appeal

No _____ If your answer is no, explain why not.

III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name Gavin Newsom is employed as Governor of California
 Current Address/Place of Employment California State Capitol Building

B. Name Brian Gates is employed as Appointed Warden of CCI

Current Address/Place of Employment Tehachapi State Prison/ CDCR Headquarters

C. Name C. Schuyler is employed as Deputy Assistant Warden of CCI

Current Address/Place of Employment Tehachapi State Prison

D. Name John Doe/Jane Doe is employed as CDCR Employee

Current Address/Place of Employment Tehachapi State Prison

E. Name _____ is employed as _____

Current Address/Place of Employment _____

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

Plaintiff was injured at California Correctional Institution (CCI), Where Plaintiff was subjected to a known deadly contagious disease Covid-19, due to Defendant[s]

failing to comply with protocols, violated Plaintiff's Eighth Amendment rights

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 1.):

On June 18th, 2020, Plaintiff was transferred to CCI, from SCC, during the height of Covid Pandemic, after arriving at CCI, an outbreak of Covid 19 occurred at CCI due to the severe overcrowding of dorms, and failure to follow emergency protective protocols issued by the United States Government/President Donald Trump, CDC, and State Government Officials, Plaintiff was infected with the Covid-19 virus, where defendants placed Plaintiff in a known dangerous condition, of absolutely no social distancing, severe overcrowded dorms, no partitions between bunk beds ; that had over 10 beds in them

Continued Claim 1

IV

1 along with issuing protective orders for business[es] in California to
 2 place protective barriers between work stations, and employees, including
 3 partitions between customers in the public, Gavin Newsom failed to implement
 4 enforced protocols, for CCI, and his appointed Warden Brian Cates, along with
 5 Deputy Warden C. Schyuler, to implement protective protocols, that would
 6 have protected plaintiff from injury of contracting the contagious disease
 7 that continues to injure Plaintiff the next week, next month and year.
 8 Gavin Newsom allowed his appointed Warden, to avoid protocols, that could
 9 have prevented Plaintiff's injury, Plaintiff was placed in high risk areas
 10 to be housed with known infected inmates that refused to test, and was put
 11 in cross contaminated areas, that were not disinfected, or wiped from use
 12 from infected inmates within the facility. These acts directly placed
 13 Plaintiff at an unreasonable risk of harm and danger, that did
 14 ultimately injure him on two different occasions at CCI (July 10, 2020,
 15 October 2, 2020) where Plaintiff tested both times positive for Covid,
 16 suffering from symptoms, of no smell, taste, joint pain, headaches, coughing
 17 of blood, and recent memory loss, all contributed to the Long Haulers Effect
 18 of contracting Covid -19.
 19 Gavin Newsom allowed his appointed warden of CCI to operate his State prison
 20 with no direct Covid -19 protocols, or enforcement from preventing him from
 21 allowing overcrowded conditions to exist at CCI -E facility, that continued
 22 to infect inmates at an alarming rate causing injury and death, where the
 23 lack of Government oversight regarding this emergency pandemic failed to
 24 act regarding inmates at this facility, that resulted in Plaintiff being
 25 injured the next week, the next month and year.
 26 The fact that CCI deliberately mixed inmates that were infected with the
 27

1 the disease on June 28, 2020, where Plaintiff was forced to be crossed
2 contaminated when they were moving Plaintiff from one dorm to another with
3 infected inmates at the same time, including the fact that more inmates were
4 being housed at this facility from reception centers, that caused the out-
5 break on June 19, 2020.

6 The fact that Brian Cates authorized all movement within the CCI facility,
7 along with his Deputy Warden C. Schuyler, who was a direct eyewitness to the
8 severe overcrowded conditions, and mixing of inmates in a dorm with no
9 ventilation, or cleaning, and no available social distancing was putting
10 Plaintiff at a unreasonable risk of harm and danger, when he and another
11 staff Jane Doe, walked through the dorm Plaintiff was housed in on July 5,
12 2020, where Plaintiff directly voiced his concern to the Deputy Warden
13 Schuyler telling him on this day, the dangerous conditions that [I] was being
14 exposed to, was placing me at an unreasonable risk of contracting this deadly
15 disease, due to the inadequate ventilation, no cleaning, no available social
16 social distancing, no partitions between bunks, and the fact inmates are being
17 mixed in together with inmates that are infected, with inmates that are not.
18 This fact placed plaintiff directly in a known unreasonable risk of harm and
19 danger, that resulted in plaintiff being infected on July 10, 2020, when he
20 again was forced to move into a uncleaned dorm on CCI-E-Facility that
21 resulted in Plaintiff being infected with a known contagious disease that
22 continues to cause plaintiff pain and suffering , the nextweek, the next month
23 and year. Plaintiff brings this amended complaint against defendants, because
24 although Plaintiff is a prisoner in the custody of CDCR, the government has
25 an obligation to provide medical care for those whom it is punishing by incarceration
26 An inmate must rely on prison authorities to treat his medical needs; if the
27 authorities fail to do so, those needs will mot be met.

1 The fact that Defendants in this amended action, failed to act is clear
2 that they did not want to act, regardless of what dangers it put Plaintiff
3 in due to his pre-existing medical conditions that placed him at a higher
4 risk of contracting the deadly disease, where now he suffers unnecessary
5 and wanton infliction of pain and suffering.

6 CDCR was absolutely aware of the dangers that Covid-19 hazard means, under
7 (8 CCR 3205) where, they were aware that the potentially infectious material
8 that may contain SARS-CoV-2, the virus that causes Covid-19. As they were
9 clearly aware that potentially infectious materials include airborne droplets,
10 small particle aerosols, and airborne nuclei, which most commonly result
11 from a person or person[s] exhaling, talking or vocalizing, coughing, or
12 sneezing, or from procedures performed on persons which may aerosolize saliva
13 or respiratory tract fluids. This also includes objects or surfaces that may
14 be contaminated with SARS-CoV-2. Plaintiff outlined these facts as to how
15 any and all preventive measures were completely ignored, whereas, defendant[s]
16 failed to act, regarding that protocols, that placed Plaintiff at an unreasonable
17 risk of harm and danger . Whereas, CCI never complied with any of Cal-OSHA
18 standards of protective, orders, regarding cleaning, ventilation, social
19 distancing, and protective beares, that could have prevented plaintiff from
20 being exposed to aknowni contagious disease, that causes injury and death
21 Defendants ignored or refused to comply with the guidelines issued by
22 Cal OSHA under §§§§ 32005, 3205.1, 3205.2, 3205.3, CCI, and Defendants in
23 this complaint--- all failed to prevent plaintiff from being exposed to
24 a known contagious disease that continues to injure Plaintiff the next week,
25 the next month and year.

26

27

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want this Court to grant Plaintiff a trial, regarding the facts that caused Plaintiff to be exposed to a known contagious communicable serious disease, that has ultimately injured Plaintiff the next week, the next month or year, Plaintiff is seeking punitive and compensatory damages, from defendants responsible for the injury and pain and suffering, for damages in the amount of \$1, 500,000.00, along with medical care expenses for any respiratory related covid medical issues that require hospitalization, and any other damages this Court finds fair.

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____ Signature of Plaintiff: _____

(Revised 4/4/14)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Robert L. Sanford

Plaintiff,

v.

Gavin Newsom, et al.,

Defendants

Case Number: 1:22-cv-01100-ADA-CDB

PROOF OF SERVICE

I hereby certify that on

July 9th, 2023

, I served a copy

of the attached Amended Civil Rights Complaint

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

listed, by depositing said envelope in the United States Mail at Growlersburg CC#33, 5440 Longview
Lane,

Georgetown, CA 95634

(List Name and Address of Each
Defendant or Attorney Served)

Office of the Attorney General
Attn: Colin A. Shaff Deputy Atty Gen.
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Person Completing Service)